AO 106 (Rev. 04/10) Application for a Search Warrant (Modified: WAWD 10-26-18)

FILED ____ ENTERED
LODGED ____ RECEIVED

UNITED STATES DISTRICT COURT

for the

Western District of Washington

MAY 14 2019

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)
In the Matter of the Use of a Cell-Site Simulator to Locate Target Telephone A

Case No. MJ19-208

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
Target Telephone A, See Attachment A

located in the Western District of Washington, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:
- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☑ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
21 U.S.C. §§ 841, 843, 846	Violations of the Controlled Substances Act, Conspiracy

The application is based on these facts:
✓ See Affidavit of Kevin Palermo in Support of an Application for a Search Warrant. To ensure technical compliance with the Pen Register Statute, 18 U.S.C. §§ 3121-3127, this warrant also functions as a pen register order. See Attachment C for AUSA Certification.

☑ Delayed notice of 90 days (give exact ending date if more than 30 days: 08/12/2019 is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☐ by reliable electronic means; or: ☐ telephonically recorded.

[signature]
Applicant's signature

Kevin Palermo, Special Agent DEA
Printed name and title

◉ The foregoing affidavit was sworn to before me and signed in my presence, or
○ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 05/14/2019

[signature]
Judge's signature

City and state: Seattle, Washington

Michelle L. Peterson, United States Magistrate Judge
Printed name and title

USAO: 2019R00422

ATTACHMENT A

This warrant for **Unknown Target Telephone A** authorizes the use of the electronic investigative technique described in Attachment B only when suspect **Julio Cesar Ramirez Meneses** is present.

Unless **Julio Cesar Ramirez Meneses** is in a public place, this warrant may be used only when the tracking data for cellular phone **Target Telephone 1** or **Target Vehicle 1** indicates **Julio Cesar Ramirez Meneses** is in the vicinity. Locations where the technique may be used specifically includes, but is not limited to, **11735 SE 225th Ct, Kent WA**

ATTACHMENT B

The "Target Cellular Device(s)" (TTA) is the cellular device or devices carried by Julio Cesar Ramirez Meneses. Pursuant to an investigation of violations of 21USC § 841 and /or 21 USC § 846, this warrant authorizes the officers to whom it is directed to identify the Target Cellular Device(s) by collecting radio signals, including the unique identifiers, emitted by the Target Cellular Device(s) and other cellular devices in its vicinity for a period of thirty days, during all times of day and night.

Absent further order of a court, law enforcement will make no affirmative investigative use of any identifiers collected from cellular devices other than the Target Cellular Device(s), except to identify the Target Cellular Device(s) and distinguish it from the other cellular devices. Once investigators ascertain the identity of the Target Cellular Device(s), they will end the collection, and any information collected concerning cellular devices other than the Target Cellular Device(s) will be deleted.

This warrant does not authorize the interception of any telephone calls, text messages, or other electronic communications, and this warrant prohibits the seizure of any tangible property. The Court finds reasonable necessity for the use of the technique authorized above. *See* 18 U.S.C. § 3103a(b)(2).

ATTACHMENT C

Declaration

I, Vincent T. Lombardi, do declare and say:

I am a duly appointed Assistant United States Attorney for the Western District of Washington, and I have primary responsibility for representing the interests of the United States herein.

To ensure technical compliance with the Pen Register Statute, 18 U.S.C. § § 3121-3127, this warrant also functions as a pen register order. Consistent with the requirement for an application for a pen register order, I certify that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by DEA. See 18 U.S.C. § § 3122(b), 3123(b).

I declare under penalty of perjury that the Application is made on the basis of information officially furnished, and on that basis I verily believe such information to be true.

DATED this 14th day of May, 2019.

VINCENT T. LOMBARDI
Assistant United States Attorney

AFFIDAVIT OF KEVIN PALERMO

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, KEVIN PALERMO, a Special Agent with the Drug Enforcement Administration, Seattle, Washington, having been duly sworn, state as follows:

I. AFFIANT BACKGROUND

1. I am employed as a Special Agent (SA) with the United States Drug Enforcement Administration (DEA), and have been so employed since August 2016. I am currently assigned to the Seattle Field Division. In this capacity, I investigate violations of the Controlled Substance Act, Title 21, United States Code, Section 801 et seq., and related offenses. I have received specialized training in the enforcement and investigation of the Controlled Substance Act. I have received over 620 hours of classroom training including, but not limited to, drug identification, drug interdiction, detection, money laundering techniques and schemes, smuggling, and the investigation of individuals and/or organizations involved in the illegal possession, possession for sale, sales, importation, smuggling, cultivation, manufacturing, and illicit trafficking of controlled substances. Prior to becoming a Special Agent with the DEA, I was employed as a Police Officer in the Village of Lincolnshire in Lake County, Illinois, from December 2014 to August 2016. In that capacity, I was responsible for providing and promoting public safety in the Village of Lincolnshire and the State of Illinois by maintaining order, responding to emergencies, protecting people and property, and enforcing criminal and motor vehicle laws. During this time, I was involved in investigations of criminal offenses including, but not limited to, narcotics, identity theft, burglary, fraud, DUI, theft, and domestic violence.

2. In my role as a Special Agent for the Drug Enforcement Administration. I have participated in narcotics investigations (i.e. heroin, cocaine, marijuana, and methamphetamine) which have resulted in the arrest of individuals and the seizure of

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illicit narcotics and/or narcotic-related evidence and the forfeiture of narcotics related assets. I have been involved in the service of search warrants as part of these investigations. Because of my experience in serving these search warrants, I have encountered and have become familiar with various tools, methods, trends, paraphernalia and related articles utilized by various traffickers in their efforts to import, conceal, and distribute controlled substances. I am also familiar with the various methods of packaging, delivering, transferring, and laundering drug proceeds. Additionally, through my training and experience, I can identify illegal drugs by sight, odor, and texture.

3. I have also worked on drug investigations involving the use of court-authorized wiretaps under Title III. In that capacity, I have had the opportunity to monitor, listen to, and review transcripts and line sheets (prepared by linguists) documenting the content of hundreds of intercepted conversations involving the trafficking of cocaine, methamphetamine, heroin, and other narcotics, by persons who used some form of code to thwart law enforcement. I have also interviewed defendants at the time of their arrest and have debriefed, spoken with, and/or interviewed numerous drug dealers or confidential sources (informants) at proffer and safety valve interviews who were experienced in speaking in coded conversation over the telephone. In many of these interviews and debriefings, I was able to speak with these drug traffickers about specific conversations in which they were intercepted pursuant to electronic surveillance. From these interviews, and also from discussions with other experienced Agents, I have gained knowledge regarding the various methods, techniques, codes, and/or jargon used by drug traffickers in the course of their criminal activities, including their use of firearms to protect their narcotics related activities and of cellular telephones, other electronic means to facilitate communications while avoiding law enforcement scrutiny.

4. I have written affidavits in support of court authorized federal warrants and orders in the Western District of Washington for GPS tracking of telephones, search warrants, and tracking of vehicles. Additionally, I have testified in grand jury proceedings, written investigative reports, and conducted and participated in numerous

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interviews of drug traffickers of various roles within drug organizations, which has provided me with a greater understanding of the methods by which drug trafficking organizations operate.

II. PURPOSE OF AFFIDAVIT

5. This affidavit supports applications to use three separate investigative techniques, all intended to further an investigation of the suspected drug trafficking activities of Julio Cesar Ramirez Meneses. First, I seek authorization to use an electronic investigative technique to identify other cellular telephones believed to be used by Ramirez Meneses to further his criminal activity. Second, I seek authorization to obtain real-time location data of a known cellular telephone Ramirez Meneses has used to further that same criminal activity. Lastly, I seek authorization to install and monitor a tracking device on a vehicle used by Ramirez Meneses to further that same criminal activity.

A. Search Warrant to Authorize Electronic Investigative Technique

6. This affidavit first supports an application for a search warrant under Federal Rule of Criminal Procedure 41 to authorize law enforcement to employ an electronic investigative technique, further described in Attachment B, in order to identify the cellular phone or phones carried by Julio Cesar Ramirez Meneses (hereinafter referred to as "**Unknown Target Telephone A**," or "**TTA**") described in Attachment A.

7. This Court has authority to issue the requested warrant under Federal Rule of Criminal Procedure Rule 41(b)(1) & (2) because **Unknown Target Telephone A** is currently believed to be located inside this District. In order to obtain additional information relating to **Unknown Target Telephone A**, its user, and the criminal violations under investigation, law enforcement must first identify **TTA**. There is probable cause to believe that the use of the investigative technique described by the warrant will result in Agents learning that identifying information.

8. I believe **TTA** is presently being used in the Western District of Washington in furtherance of the following federal criminal offenses: Distribution of

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Controlled Substances, in violation of 21 U.S.C. § 841(a)(1), and/or conspiracy to commit that same offense in violation of 21 U.S.C. § 846. I believe that identification of **TTA** will further the investigation of these violations.

9. This is the first application in this judicial District for a warrant authorizing use of this electronic investigative technique in connection with this investigation.

10. Because collecting the information authorized by this warrant may fall within the statutory definitions of a "pen register" or "trap and trace device" *see* 18 U.S.C. § 3127(3) & (4), this warrant is designed to comply with the Pen Register Statutes as well as Rule 41. See 18 U.S.C. § § 3121-3127. This warrant therefore includes all the information required to be included in a pen register order. See 18 U.S.C. § 3123(b)(1). I know from my training and experience that a pen register is a device or process which records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted. The information obtained from a pen register does not include the contents of any communication. I know from my training and experience that a trap and trace device is a device or process which captures the incoming electronic or other impulses which identify the originating number or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information does not include the contents of any communication.

B. Search Warrant to Authorize Real-Time Location Tracking of Target Telephone

11. This affidavit is also being submitted pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) in support of an application for a warrant authorizing the real-time location tracking of the following Target Telephone:

a. **Target Telephone 1,** with number **(425) 523-2163** and IMSI 310150719065288 (hereinafter "**TT1**") with service provided by AT&T. AT&T provided "Julio Ramierez" as the subscriber for **TT1** at "16256 MILITARY RD S,

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SEATAC, WA 98188." According to AT&T, **TT1** was activated on 03/30/2019.[1] TT1 is believed to be utilized by Julio Cesar Ramirez Meneses (hereinafter Ramirez Meneses)

12. As set forth below, TT1 has been used to arrange a number of controlled buys from Ramirez Meneses, and there is probable cause to believe that Ramirez Meneses continues to use **TT1** in furtherance of the same type of criminal activity. Authority to conduct real-time location tracking is requested not only with respect to the Target Telephone number, but to any changed telephone number subsequently assigned to the telephone bearing the IMSI, ESN, or IMEI number for the Target Telephone, or to any cellular telephone bearing a different IMSI, ESN, or IMEI number but using the same telephone number currently assigned to the Target Telephone.

C. Search Warrant to Authorize Real-Time Tracking of a Target Vehicle

13. Lastly this Affidavit is also submitted for the purpose of establishing probable cause to support a tracking warrant authorizing the continued monitoring, as described below, of a tracking device on the following vehicle:

a. **Target Vehicle 1:** A 2012 Silver Mazda 3 bearing Washington VIN **JM1BL1VG9C1507151** (also referred to herein as "**TV1**"). According to Washington Department of Licensing (DOL), **TV1** is registered to "G & S AUTO SALES LLC", at 9611 Portland Ave E, Tacoma, WA.

14. Like **TT1, TV1** has been used to deliver controlled substances as part of a controlled buy, and there is probable cause that **TTA**, **TT1** and **TV1** will continue to be used, in the Western District of Washington in furtherance of the following federal criminal offenses: Distribution of Controlled Substances, in violation of 21 U.S.C. § 841(a)(1), and/or conspiracy to commit that same offense in violation of 21 U.S.C. § 846.

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[1] TT1 with the same listed phone number as above, was previously serviced by T-Mobile. From 03/24/2019 to 03/30/2019, the phone had an IMSI of 310260356071189. During that period, T-Mobile provided "Ulises Resendiz" as the subscriber for TT1 at "4722 SOUTHCENTER BLVD APT C203 TUKWILA WA 98188-2369". As further explained herein, Agents believe Ramirez Meneses has been utilizing the phone while it was previously subscribed with T-Mobile and presently subscribed with AT&T.

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15. Further, there is probable cause to believe that discovering **TTA** and the tracking of **TT1** and **TV1** will lead to evidence, fruits, and instrumentalities of the aforementioned crimes, as well as to the identification of individuals who are engaged in the commission of those and related crimes.

16. With respect to the vehicle tracking warrant, I request authorization to:

a. install, remove, monitor, repair, or adjust an electronic tracking device on or within **TV1** at any time of the day or night;

b. if necessary to protect the safety of persons installing, removing, monitoring, repairing, or adjusting the electronic tracking device, or to protect the integrity of the investigation, surreptitiously enter **TV1** at any time of the day or night, and move **TV1** from one location to another for the purpose of installing, removing, monitoring, repairing, or adjusting the device;

c. surreptitiously re-enter **TV1** at any time of the day or night, for the purpose of installing, removing, monitoring repairing, or adjusting the device; and

d. continuously monitor any and all signals emitted from the device, including when the vehicles enter any structure or private property in which there may be a reasonable expectation of privacy.

17. Because this affidavit is being submitted for the limited purpose of obtaining authorization for a search warrant permitting the use of the investigative technique targeted at **TTA**, and to obtain tracking warrants for **TT1** and **TV1**, I have not included every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary for a fair determination of probable cause to issue the requested warrants.

III. SOURCES OF INFORMATION

18. I have obtained the facts set forth in this affidavit through my personal participation in the investigation described below; from oral and written reports of other law enforcement officers; and from records, documents and other evidence obtained during this investigation. I have obtained and read official reports prepared by law

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enforcement officers participating in this investigation and in other investigations by the DEA. When I refer to registration records for vehicles, I am relying on records obtained from the Washington State Department of Licensing (DOL). Insofar as I have included event times in this affidavit, those event times are approximate.

IV. PROBABLE CAUSE

A. First Controlled Purchase from Ramirez Meneses and State Tracking Warrant for Ramirez Meneses' vehicle

19. During March 2019, a confidential source (CS1) informed Agents[2] she/he made contact with a new narcotics dealer named "Cesar" via phone, using telephone number 253-981-2156. CS1 stated she/he was given telephone number, 253-981-2156, from a known contact in Mexico. CS1 informed Agents she/he was in contact with "Cesar" utilizing the aforementioned telephone number and during CS1's interactions with "Cesar", "Cesar" instructed CS1 to call him anytime she/he needed narcotics and if she/he needed a larger amount of narcotics to allow a few hours and he could deliver it. As set forth below, "Cesar" was later identified as Ramirez-Meneses.

20. CS1 was previously arrested on a state narcotics violation and is cooperating with agents under an active cooperation agreement with the Seattle Police Department in exchange for charging considerations. In addition to the more recent narcotics arrest, a criminal history check revealed CS1 has a history, which includes two felony narcotics convictions. CS1 also has arrests/convictions for obstructing a Law Enforcement Officer (resulted in a conviction), controlled substance felony (no charges filed), reckless burning (gross misdemeanor conviction), disorderly conduct (misdemeanor conviction), reckless driving (gross misdemeanor conviction), driving while license suspended (dismissed), and possession of burglary tools (citation).

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[2] When I use the term "Agents" throughout the affidavit I am referring to Law Enforcement personnel, to include, but not limited to DEA Special Agents and Task Force Officers; Seattle Police Sergeants, Detectives and Officers; FBI Agents and Task Force Officers, Snohomish Regional Drug and Gang Task Force Detectives, etc.

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21. During that same month, CS1 met with Agents and was as instructed to contact Cesar via cellular phone and attempt to arrange a purchase of methamphetamine. Agents observed CS1 dialing Cesar's cellular phone, 253-981-2156, from her/his cellular phone and placing the call on speaker so Agents could listen. When CS1 made the call, a male answered and began speaking; the conversation occurred in Spanish.[3]

22. After the call ended, CS1 informed Agents that Cesar agreed to sell an amount of methamphetamine and meet at a known spot in South King County in 35 minutes. Per policy and procedure, CS1 and her/his vehicle were searched for narcotics, paraphernalia, currency and weapons. CS1 had currency, which was counted and secured in an agent's undercover vehicle. CS1 and her/his vehicle were otherwise free from the listed items. CS1 was then given pre-recorded buy money for the controlled buy.

23. Agents followed CS1 to the meet location. Approximately 45 minutes later Surveillance Agents advised they had observed a Hispanic male subject, late identified via as Ramirez Meneses, walking towards to CS1's vehicle. Agents stated Ramirez Meneses was seen driving a dark green over gold Kia minivan bearing Oregon license plates 218JZD. Ramirez Meneses walked directly to CS1's vehicle and entered the front passenger seat. Approximately 3 minutes later Ramirez Meneses exited CS1's vehicle and walked directly back to the listed Kia minivan.

24. Following the meet CS1 was followed to a pre-determined meet location. Once at the meet location, CS1 handed Agents a clear plastic bag containing suspected methamphetamine, a small bag containing suspected heroin, and the remaining pre-recorded buy money. Agents conducted a search of CS1's vehicle and a search of CS1's person for narcotics, paraphernalia, weapons and currency. CS1's person and vehicle were free of the listed items. CS1 explained to Agents she/he met with the individual CS1 knew as Cesar and described him as a Hispanic male, in his 30's, medium build, dark

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[3] The precise date and time of this transaction and the other controlled buys described herein are known to me. However, those details are omitted herein to protect CS1's identity.

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colored hair and a partial beard. CS1 was then released form the area. Agents later field tested the methamphetamine purchased that day with positive results for methamphetamine[4].

25. Based on the above listed facts Agents completed a vehicle GPS warrant for the Kia minivan bearing Oregon registration 218JZD. The warrant was reviewed by King County Deputy Prosecuting attorney Margo Martin. On March 27, 2019, the warrant was reviewed and signed by King County Superior Court Judge Marshall Ferguson. That same evening the vehicle GPS tracker was installed on the listed vehicle at a public place in South King County.

B. Second Controlled Purchase from Ramirez Meneses

26. Approximately one and a half weeks later during that same month CS1 met with Agents and was as instructed to contact Cesar via cellular phone and attempt to arrange a purchase of methamphetamine. CS1 attempted to call the number, which was used during the first controlled buy, 253-981-2156, but received an automated recording the number was no longer in service. CS1 then contacted her/his known source in Mexico and asked for Caesar's new number. CS1 was then sent a text from Mexico for an updated number for Caesar, 425-523-2163 (**TT1**).

27. Similarly to the first controlled purchase, Agents observed CS1 dialing Cesar's cellular phone, 425-523-2163 (**TT1**), from her/his cellular phone and placing the call on speaker so Agents could listen. When CS1 made the call, a male answered and began speaking; the conversation occurred in Spanish.

28. After the call ended, CS1 informed Agents that Cesar agreed to sell an amount of methamphetamine and meet at a known spot in South King County in 15 minutes. Per policy and procedure, CS1 and her/his vehicle were searched for narcotics, paraphernalia, currency and weapons. CS1 had currency, which was counted and secured

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[4] The quantity of suspected heroin was too small to effectively field test.

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in an agent's undercover vehicle. CS1 and her/his vehicle were otherwise free from the listed items. CS1 was then given pre-recorded buy money for the controlled buy.

29. Agents followed CS1 to the meet location. Approximately 25 minutes later surveillance Agents advised they had observed a Hispanic male subject, later identified as Ramirez Meneses, walking towards to CS1's vehicle. Agents stated Ramirez Meneses was seen driving a dark green over gold Kia minivan bearing Oregon license plates 218JZD. Ramirez Meneses walked directly to CS1's vehicle and entered the front passenger seat. Approximately 5 minutes later Ramirez Meneses exited CS1's vehicle and walked directly back to the listed Kia minivan. With the assistance of the vehicle GPS, Agents followed the listed Kia Mini Van. The Kia drove directly to a cul-de-sac in Kent WA and was later observed parked into front of 11735 SE 225th Ct, Kent WA.

30. Following the meet CS1 was followed to a pre-determined meet location. Once at the meet location CS1 handed Agents a clear plastic bag containing suspected methamphetamine, a small bag containing suspected heroin, and the remaining pre-recorded buy money. Agents conducted a search of CS1's vehicle and a search of CS1's person for narcotics, paraphernalia, weapons and currency. CS1's person and vehicle were free of the listed items. CS1 explained to Agents she/he met with the same individual as the first controlled purchase. Agents later field tested the narcotics purchased that day with positive results for methamphetamine. Again, the heroin was not field tested due to its small quantity.

C. Identification of Ramirez Meneses

31. On April 11, 2019, Agents conducted surveillance on Ramirez Meneses, aided by court authorized electronic tracking of the Kia minivan. At approximately 3:35 p.m. agents confirmed Ramirez Meneses was driving the Kia minivan when it was located in Kent Washington. Surveillance units remained with the Kia minivan throughout the duration of the surveillance. At approximately 6:00 p.m. electronic tracking of the Kia minivan indicated it was traveling north on 515/405.

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32. At approximately 7:00 p.m., the Kia minivan stopped at a McDonalds located at 4020 Colby Ave, Everett, Washington. Agents observed the Kia minivan parked at the south end of the parking lot. At approximately 7:03 p.m., agents observed an individual enter the front passenger seat of the Kia minivan and meet for a short period with Ramirez Meneses. One-minute later agents observed the individual exit the minivan and return to his vehicle, both vehicles then departed the area. Surveillance units remained with the Kia minivan.

33. The Kia minivan was followed to the area of 607 SE Everett Mall Way, Everett. Agents observed Ramirez Meneses meet a different individual outside of the Kia minivan for a short time. The two engaged in conversation for several minutes. After which, the parties separated with Ramirez Meneses entering the Mobil gas station then returning to the Kia minivan and departing.

34. Agents contacted Seattle PD North Anti-Crime Team members to conduct a traffic stop of the Kia minivan to identify Ramirez Meneses[5]. At approximately 7:40 p.m., members of Seattle PD North ACT conducted a traffic stop of the Kia minivan. During the stop, Ramirez Meneses provided officers a Mexican Passport as a form of identification. The passport identified the holder as Julio Cesar Ramirez Meneses, born in 1988 in Nayarit, Sinaloa.

35. Following the traffic stop physical surveillance was terminated for the evening. Later that evening, CS1 was shown the photo on the Passport Ramirez Meneses provided to officers. CS1 confirmed the individual in the photo (Ramirez Meneses) was the individual he/she was buying narcotics from and known to CS1 as Caesar.

A. Third Controlled Purchase from Ramirez Meneses

36. In late April 2019, Agents met with (CS1) and instructed CS1 to contact Ramirez Meneses via cellular telephone and attempt to arrange a purchase of methamphetamine. CS1 called **TT1** and placed the call on speaker so Agents could listen

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[5] Until this point in the investigation Ramirez Meneses had been known only as "Caesar" and was not identified fully.

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and record the conversation. When CS1 first attempted the call, no one answered. Almost immediately thereafter, Ramirez Meneses returned the call to CS1 using **TT1**.

37. Again, CS1 placed the call on speakerphone so Agents could listen and record the conversation; the conversation occurred in Spanish. CS1 informed Agent s/he discussed with Ramirez Meneses the opportunity to purchase methamphetamine and where they would meet. After a brief conversation, CS1 and Ramirez Meneses agreed to speak again in a moment. Approximately one minute later CS1 called Ramirez Meneses on **TT1** and placed the call on speakerphone so Agents could listen and record the conversation; the conversation occurred in Spanish. During the call, the parties agreed to meet at Northgate Mall. CS1 asked to purchase four ounces of methamphetamine and was told by Ramirez Meneses it would cost $350.00. They agreed to speak again when they were both near Northgate Mall.

38. That same date at approximately 11:03 a.m. Agents observed, via court authorized GPS tracking and electronic surveillance, the Kia minivan was parked outside 11735 SE 225th Ct, Kent WA. Based on these observations Agents established surveillance in Kent Washington near 11735 SE 225th Ct, Kent WA.

39. At approximately 11:42 a.m., Agents observed, via a camera, Ramirez Meneses come from the area of the front door of 11735 SE 225th Ct, Kent WA, carrying what appeared to be a small object in his left hand and enter the Kia minivan. Ramirez Meneses was seen leaving 11735 SE 225th Ct, Kent WA in the Kia minivan. Shortly thereafter, he was seen on camera returning home at approximately 11:46 a.m. and walked towards the front entrance of 11735 SE 225th Ct, Kent WA. Surveillance Agents had set up surveillance just outside the immediate neighborhood of the Kent residence and did not see the Kia minivan leave the area. At 11:49 a.m. Agents observed Ramirez Meneses exit the area of the front door of 11735 SE 225th Ct, Kent WA, carrying a plastic bag, enter the Kia minivan and depart.

40. At approximately 12:24 p.m., CS1 was directed by Agents to contact Ramirez Meneses. CS1 called Ramirez Meneses on **TT1** and placed the call on

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speakerphone so Agents could listen and record the conversation; the conversation occurred in Spanish. In summary, CS1 and Ramirez Meneses agreed to meet near the Red Robin at Northgate Mall.

41. CS1 and her/his vehicle were searched for narcotics, paraphernalia, currency and weapons. CS1 had currency, which was counted and secured in Det. Spaulding's undercover vehicle. CS1 and her/his vehicle were otherwise free from the listed items. CS1 was given pre-recorded buy money for the controlled buy. Agents followed CS1 to the meet location.

42. At approximately 12:38 p.m., Agents observed the Kia minivan parked next to CS1's vehicle. Ramirez Meneses was observed by Agents exiting the Kia minivan and entering the front passenger seat of CS1's vehicle. Ramirez Meneses remained in the vehicle for a short period. Ramirez Meneses exited CS1's vehicle, returned to the Kia minivan and departed the area.

43. CS1 was followed to a pre-determined meet location. Once at the meet location, CS1 provided Agents a red electronic scale box containing suspected methamphetamine (including the small sample discussed in the next paragraph) and the remaining pre-recorded buy money. Agents conducted a search of CS1's vehicle and Agents conducted a search of CS1's person for narcotics, paraphernalia, weapons and currency. CS1's person and vehicle were free of the listed items.

44. In summary, CS1 informed Agents when Ramirez Meneses entered CS1's vehicle he showed the narcotics to CS1 and gave CS1 a small sample of additional methamphetamine. While together, CS1 (at the direction of Agents) inquired about purchasing an additional two (2) pounds of methamphetamine within the next hour from Ramirez Meneses. Ramirez Meneses informed CS1 it would cost $2,600.00 a pound for a total of $5,200.00. Ramirez Meneses further explained he had to go to Kent to pick up the narcotics for CS1, however he first had to go to Kenmore to deliver a pound he (Ramirez Meneses) had on him currently. The parties agreed to meet later and Ramirez would call CS1 in about an hour.

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45. Utilizing GPS tracking and mobile surveillance the Kia minivan was followed from Northgate Mall to a trailer park located at/near 7021 NE 181st St, Kenmore, WA. The Kia minivan arrived at the trailer park at approximately 1:00 p.m. At approximately 1:20 p.m., the Kia minivan departed the area of the trailer park. At about the same time the Kia minivan departed, CS1 received a phone call from Ramirez Meneses from **TT1**. In summary, Ramirez Meneses told CS1 the customer he was going to meet was not ready and he (Ramirez Meneses) could deliver the one pound of methamphetamine to CS1 now. CS1 told Ramirez Menses he/she needed both – as in he/she needed the two pounds of methamphetamine together. Ramirez Meneses told CS1 he would have to go get the other pound and would meet CS1 back near the mall.

46. The Kia minivan was followed back to 11735 SE 225th Ct, Kent WA where it arrived at approximately 2:15 p.m. Agents observed, via electronic surveillance, Ramirez Meneses exit the Kia minivan and approach the front door of 11735 SE 225th Ct, Kent WA. At approximately 2:20 p.m., at the direction of Agents, CS1 called Ramirez Meneses on **TT1** and placed the call on speakerphone so Agents could listen and record the conversation; the conversation occurred in Spanish. During the call, CS1 stated he/she had the money and was ready to meet. Ramirez Menses responded he was picking up the narcotics right now and would get the car and meet CS1 at the mall. After the conversation ended Ramirez Meneses sent CS1 a text message. The text message contained a screen shot of a map from Ramirez Meneses' location to Northgate Mall. From the photo, Agents were able to determine the "Your Location" was in the area of Ramirez Meneses' residence.

47. At approximately 2:30 p.m., Agents observed Ramirez Meneses approach the Kia minivan, carrying a red bag, from the front door area of 11735 SE 225th Ct, Kent WA. Shortly thereafter, the Kia minivan departed from 11735 SE 225th Ct, Kent WA; mobile surveillance was conducted on the Kia minivan.

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48. CS1 was provided pre-recorded buy money for the controlled buy and was followed to the meet location by Agents[6]. At approximately 3:39 p.m., Agents observed the Kia minivan park next to CS1's vehicle. Ramirez Meneses exited the Kia minivan and entered CS1's vehicle. Ramirez Meneses remained in the vehicle a short time, exited CS1's vehicle, and returned to the Kia minivan. As he was exiting, Agents observed Ramirez Meneses holding a red bag similar to the one observed on electronic surveillance as Ramirez Meneses was leaving 11735 SE 225th Ct, Kent WA. The Kia minivan departed and was followed to a different area of Northgate Mall where it remained until about 4:06 p.m.

49. CS1 was followed to a pre-determined meet location. Once at the meet location, CS1 provided Agents two clear Tupperware containers with red lids containing suspected methamphetamine. Agents conducted a search of CS1's vehicle and a search of CS1's person for narcotics, paraphernalia, weapons and currency. CS1's person and vehicle were free of the listed items. Agents later field tested the all the narcotics purchased that day with positive results for methamphetamine.

50. In summary, CS1 informed Agents that Ramirez Meneses entered the vehicle with a red bag. Ramirez Meneses opened the bag and produced three clear Tupperware containers containing suspected methamphetamine and told CS1 to pick two. CS1 provided the money to Ramirez Meneses who began to count it. After counting approximately half the money Ramirez Meneses exited.

E. Fourth Controlled Purchase from Ramirez Meneses

51. On May 2, 2019, at approximately 9:00 a.m., Agents established surveillance at 11735 SE 225th Ct, Kent Washington. Earlier that same day, utilizing electronic surveillance, Agents observed a silver sedan parked where the aforementioned

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[6] CS1 and their vehicle was searched after the first controlled purchase on this date in April and CS1 remained with Agents during the entirety of the operation. Therefore, it was deemed unnecessary to again search his/her person and vehicle prior to conducting the second controlled purchase.

Kia minivan, which had been previously utilized by Ramirez Meneses had parked. At approximately 10:40 a.m., Agents identified the vehicle parked at the residence as a silver Mazda 3 (**TV1**) with no visible registration. Simultaneously, Agents observed Ramirez Meneses driving **TV1** as it departed his residence. Agents attempted to conduct mobile surveillance but were unable to do so.

52. On May 4, 2019, Agents met with a CS1 and instructed CS1 to contact Ramirez Meneses via cellular telephone on **TT1** to attempt to arrange a purchase of 25 grams of heroin. Prior to meeting with agents CS1 had received text messages from Ramirez Meneses. In summary, Ramirez Meneses texted CS1 his/her order had arrived and to tell him (Ramirez Meneses) where to meet and "I'm ready" or words to that effect. CS1, at the direction of Agents, texted Ramirez Meneses to meet him/her near the Bank of America at Northgate Mall at 2:30 p.m. that day. Ramirez Meneses responded "ok I'm ready" or words to that effect. Simultaneously Agents established surveillance in the area of the Bank of America at Northgate Mall in preparation for the deal.

53. Per procedure, CS1 and her/his vehicle were searched for narcotics, paraphernalia, currency and weapons. CS1 had currency, which was counted and secured in Agents' undercover vehicle. CS1 and her/his vehicle were free from the listed items. CS1 was given pre-recorded buy money for the controlled buy. Agents followed CS1 to the meet location.

54. At 2:20 p.m., Ramirez Meneses texted CS1 he was looking for the bank. At approximately 2:22 p.m., Agents observed a Silver Mazda 3 (**TV1**) with no visible registration in the parking lot of Bank of America. As **TV1** drove by one of the surveillance Agents, he was able to confirm that RAMIREZ Meneses was the diver of the **TV1**. At approximately 2:26 p.m., Ramirez Meneses repositioned **TV1** next to CS1's vehicle. Agents observed Ramirez Meneses exit **TV1** and access the trunk. After accessing the trunk, Ramirez Meneses was in possession of a white plastic bag that appeared to have a box inside it. Ramirez Meneses entered CS1's vehicle and CS1 moved his/her vehicle to a different area of the parking lot as directed by Agents.

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55. While CS1 and Ramirez Meneses were in CS1's vehicle, Agents were able to photograph the VIN and Temporary license plate of **TV1**. The VIN of **TV1** was observed as JM1BL1VG9C1507151 and the temporary plate was E9693510. A DOL inquiry showed the VIN registered to G&S Auto Sales Inc. out of Tacoma.

56. Shortly thereafter, Ramirez Meneses and CS1 returned to **TV1**. Ramirez Meneses exited CS1's vehicle and accessed the trunk of **TV1**. Agents observed Ramirez Meneses placing a white USPS or FedEx box into the trunk. Ramirez Meneses then accessed the front passenger side of **TV1** and removed a small item, placed it in his pocket and returned to CS1's vehicle. CS1 moved his/her vehicle to a different area of the parking lot as directed by Agents. A short time later, CS1's vehicle returned to **TV1**. Ramirez Meneses entered **TV1** and departed the area.

57. CS1 was followed to a pre-determined meet location. Once at the meet location CS1 provided Agents with a box containing suspected heroin. Per policy and procedure, Agents conducted a search of CS1's vehicle and a search of CS1's person for narcotics, paraphernalia, weapons and currency. CS1's person and vehicle were free of the listed items.

58. In summary, CS1 informed Agents Ramirez Meneses entered his/her vehicle with a white postal box. Ramirez Meneses showed CS1 four cylindrical objects, believed to be 1 kilogram each, of heroin inside the box. Ramirez Meneses unwrapped one of the suspected kilograms of heroin to take a sample of heroin for CS1. While Ramirez Meneses was unwrapping the kilogram, CS1 observed it was wrapped in what he believed to be cellophane, grease, foil, x-ray paper, and petroleum jelly.[7] Once Ramirez Meneses was finished showing the kilograms to CS1 the pair returned to **TV1**

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[7] I know, based on my training and experience, that wholesale amounts of heroin is often smuggled into the United States packaged in this fashion, in the belief that it will defeat law enforcement detection by drug K9s and other methods.

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so Ramirez Meneses could obtain a scale. Ramirez Meneses then broke off a piece of the heroin and weighed it for CS1.

59. Based on my training and experience, tracking data, and my observations, of Ramirez Meneses, the Kia minivan, and **TV1;** I believe Ramirez Meneses is currently residing at 11735 SE 225th Ct, Kent WA, and currently driving **TV1** as a vehicle and using **TT1** to facilitate his narcotics trafficking activities.

60. Furthermore, based on my training and experience, and the training and experience of other investigators more senior than I, I know it is common for narcotics traffickers to utilize more than one phone. At times, narcotics traffickers will utilize separate phones to keep communications with sources of supply and downstream customers separate. I also know traffickers will often change phones for multiple reasons which include attempts to frustrate law enforcement, and be able to quickly "drop" a phone and still be able to communicate with members of their organization. Moreover, I know it is common for drug traffickers, no matter their level or role in an organization, to possess and utilize multiple phones to conduct illicit narcotics activities. Here, Ramirez Meneses has already changed phone numbers once during this investigation, with that change occurred in less than two weeks from the first communication made by CS1. Additionally, the carrier for TT1 has also been changed during this investigation.

61. In my experience, drug traffickers frequently make use of cellular telephones to arrange their drug transactions. These telephones are frequently pre-paid cellular telephones. Drug traffickers frequently provide little or no identifying information to the phone company. What information is provided is frequently false. Drug traffickers often discontinue the use of these cellular telephones on a frequent basis in order to thwart law enforcement efforts at detection.

62. Based on my training and experience I also know that narcotics traffickers invariably require vehicles in the day to day operation of the distribution of narcotics and disposition of the proceeds of narcotics. Further, I know that sophisticated traffickers engage in activities to thwart law enforcement. This includes the use of counter-

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surveillance driving, as well as the frequent switching, or trading out of vehicles. During my observations of this organization, including both physical and electronic surveillance, I have observed traffickers make use of circuitous routes, unexplained stops, and other actions consistent with counter-surveillance. I believe the description provided herein of the use of **TV1** by this DTO is consistent with the activities of narcotics traffickers' use of vehicles.

63. It is also my experience vehicle and telephone location data is useful in corroborating movements of targets, especially suspected drug traffickers. When used in conjunction with physical surveillance, telephone and vehicle location data is useful to identify vehicles, locations, and individuals involved in ongoing drug trafficking schemes. Additionally, telephone and vehicle location data can show that a target telephone is used by a particular individual by connecting physical surveillance of that individual with evidence of the vehicle and telephone's use. Telephone and vehicle location data therefore often provides evidence utilized in the seizure of narcotics and the fruits and instrumentalities of narcotics trafficking.

64. Use of the vehicle tracking device and tracking the target telephone will allow the affiant and surveillance team members to observe the target and his associates in a safe manner while still developing investigative material. In that vein, the tracking device will allow the affiant and other agents to monitor the movements of the target and his associates for a period of time. This will continue to assist the affiant and other investigators in identifying stash houses used to store currency, drugs, and other illegal contraband, and to identify additional individuals involved in this ongoing criminal activity.

V. AUTHORIZATION REQUEST FOR SPECIAL TECHNIQUE

65. Based on the foregoing, I request that the Court also issue the proposed search warrant authorizing the use of the investigative technique described in Attachment A, pursuant to Federal Rule of Criminal Procedure 41. The proposed search warrant also will function as a pen register order under 18 U.S.C. § 3123.

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66. Again, I know, based on my training and experience, and the training and experience of investigators more senior than I, that experienced and sophisticated drug traffickers like Julio Cesar Ramirez Meneses use multiple cellular phones to conduct their business, and often change phones in an attempt to frustrate law enforcement. While we have identified phones for Ramirez Meneses, there is probable cause to believe that he is also using one or more additional cellular phones to conduct his drug and/or money laundering activities. Use of this technique will likely permit investigators to identify these additional, currently unknown phones.

67. To facilitate execution of this warrant, law enforcement may use an investigative device that sends signals to nearby cellular devices, including **Target Telephone A**, and in reply, the nearby cellular devices will broadcast signals that include their unique identifiers. The investigative device may function in some respects like a cellular tower, except that it will not be connected to the cellular network and cannot be used by a cell to communicate with others. Law enforcement will use this investigative device when they have reason to believe that Ramirez Meneses is present. Law enforcement will collect the identifiers emitted by cellular devices in the immediate vicinity of the **Target Telephone A** when the subject is in multiple locations and/or multiple times at a common location and use this information to identify **Target Telephone A** as only the **Target Telephone A**'s unique identifiers will be present in all or nearly all locations as Ramirez Meneses. Once investigators ascertain the identity of the **Target Telephone A**, they will cease using the investigative technique. Because there is probable cause to determine the identity of **Target Telephone A** there is probable cause to use the investigative technique described by the warrant to determine the identity of **Target Telephone A**

68. The investigative device may interrupt cellular service of cellular devices within its immediate vicinity. Any service disruption will be brief and temporary, and all operations will attempt to limit interference with other cellular devices. Once law enforcement has identified **Target Telephone A** it will delete all information concerning

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non-targeted cellular devices. Absent further order of the court, law enforcement will make no investigative use of information concerning non-targeted cellular devices other than to distinguish **Target Telephone A** from all other devices.

69. I further request that the Court authorize execution of the warrant at any time of day or night, owing to the potential need to identify **Target Telephone A** outside of daytime hours.

70. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 90 days after the collection authorized by the warrant has been completed. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the person carrying **Target Telephone A** would seriously jeopardize the ongoing investigation, as such as a disclosure would give that person an opportunity to destroy evidence, change patterns of behavior, notify confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1). There is reasonable necessity for the use of the technique described above, for the reasons set forth above. *See* 18 U.S.C. § 3103a(b)(2).

71. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all the targets of this investigation. If prematurely disclosed to the public, notice to the holder of **Target Telephone A** could result in the target's flight from prosecution, destruction of or tampering with evidence, intimidation or retaliation against potential witnesses, and could otherwise seriously jeopardize the ongoing investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation.

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72. A search warrant may not be legally necessary to compel the investigative technique described herein. Nevertheless, I hereby submit this warrant application out of an abundance of caution.

VI. REQUEST FOR SEALING

73. Based upon my knowledge, training, and experience, it is my belief that the information contained in this affidavit, application, and tracking warrant, if prematurely disclosed to the public, could result in the target's flight from prosecution, destruction of or tampering with evidence, intimidation or retaliation against potential witnesses, and could otherwise seriously jeopardize the ongoing investigation. Therefore, I request that this affidavit be sealed, and that notice required by Fed. R. Crim. P. 41(f) be delayed for up to ninety (90) days after expiration of the tracking warrant, or any extension thereof, in accordance with Title 18, United States Code 3103a(b). If necessary, I may request that the Court, upon a showing of good cause, order a further adjournment of the time permitted to serve notice, if necessary to protect the safety of any individual, avoid flight or destruction of evidence, and ensure that the investigation is not jeopardized prior to its completion.

Kevin Palermo
Special Agent
Drug Enforcement Administration

SUBSCRIBED AND SWORN before me this 14th day of May, 2019.

THE HON. MICHELLE L. PETERSON
United States Magistrate Judge

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